

EXHIBIT E

Matthew Scheck

From: Matthew Scheck
Sent: Friday, July 17, 2015 9:50 AM
To: tchris@aj-law.com; garth@aj-law.com; lindsay@aj-law.com; jrice@nmichlaw.com
Cc: Isaac Nesser
Subject: Rescap -- Honor Bank Counterclaim

Chris,

I tried calling you to discuss the counterclaim you filed yesterday on behalf of Honor Bank against the Rescap Liquidating Trust, but understand that you are away. Because the issue is significant and time sensitive, I thought it best to follow up by email.

In short, the counterclaim asserts claims that were discharged in Rescap's bankruptcy plan, and which are now pending in violation of the bankruptcy plan's express injunction against such claims. Specifically, the counterclaim asserts claims purportedly arising out of pre-petition contracts, which are thus pre-petition claims that cannot be asserted unless Honor Bank preserved them by filing a timely proof of claim. It appears that Honor Bank did not file such a proof of claim despite having received notice of the deadline for filing proofs of claim, and notice of the Plan and Confirmation Hearing. Accordingly, the claims were discharged (*see, e.g.*, Confirmation Order ¶ 42), and Honor Bank is enjoined from pursuing the counterclaim (*see, e.g.*, Plan Art. IX(I)). *See also* Plan Art. IX(I) ("Any person injured by any willful violation of this injunction shall be entitled to recover actual damages, including costs and attorneys' fees and, in appropriate circumstances, may recover punitive damages....").

We therefore request that Honor Bank withdraw its counterclaim immediately. If Honor Bank is unwilling to do so, we plan to file a motion to enforce the Plan Injunction in the Bankruptcy Court, and we request that Honor Bank consent to an extension of RFC's time to answer or otherwise respond to the Counterclaim in front of Judge Nelson, until Judge Glenn has had an opportunity to rule on that motion. Please let us know if you have any questions or would like to discuss further. If we are not able to resolve this issue promptly, we will plan to add it on Monday afternoon to the agenda for next week's hearing before Judge Nelson.

Best,

Matt

Matthew Scheck

Associate

Quinn Emanuel Urquhart & Sullivan, LLP

865 S. Figueroa Street, 10th Floor

Los Angeles, CA 90017

213-443-3190 Direct

213-443-3000 Main Office Number

213-443-3100 Fax

matthewscheck@quinnemanuel.com

www.quinnemanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.